**THE HON'BLE DR. JUSTICE G.YETHIRAJULU**

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**WRIT PETITION NO : 12974 of 1994**

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**DATED: 18.11.2005**

Between:

N.V. Chalapathi Rao

**… PETITIONER**

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AND

The Senior General Manager,

National Mineral Development Corporation,

Masab Tank, Hyderabad & another.

**… RESPONDENTS**

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**THE HON'BLE DR. JUSTICE G.YETHIRAJULU**

**WRIT PETITION NO : 12974 of 1994**

**ORDER:-**

This writ petition has been filed by the petitioner seeking to declare the refusal of the 2nd respondent to correct his date of birth through letter, dated

30.08.1993, as illegal and arbitrary and to issue a direction to the respondents to correct his date of birth as 17.12.1949 instead of 19.06.1947.

The petitioner contended that he was born on 27.12.1949 and passed SSLC in the year 1964. He joined the service of the respondent Corporation on 25.10.1972 and was promoted as Senior Stenographer in the year 1976. He further contended that his father gave a declaration saying that his date of birth was 19.06.1947, but according to the birth register his date of birth was registered as 27.12.1949. Since the 2nd respondent did not consider his request with reference to the documents filed by him, he approached this Court for the relief as mentioned above.

The petitioner did not mention as to when he came to know about his correct date of birth and on what date he obtained the birth register extract from the concerned Registrar. After perusing the birth register extract, the 2nd respondent observed that he filed the application five years after joining the service, and therefore, he is not entitled to get the date of birth corrected. Though the petitioner averred in the affidavit that the order of the 2nd respondent is illegal, he did not file the copy of the birth register extract. He did not mention the number of issues his parents had and what was his number out of the issues of his parents. In the absence of those particulars, it is not possible for this Court to give a finding as to the correctness of the date of birth. Since there is a disputed question of fact regarding the correctness of the date of birth, the petitioner ought to have agitated the same before the appropriate forum to get a finding on the question of fact.

In the light of the circumstances, the petitioner is not entitled for any relief by invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

Accordingly, the writ petition is dismissed. No order as to costs.

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18.11.2005

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